United Nations S/2010/259

Security Council

Distr.: General
28 May 2010

Original: English

Letter dated 28 May 2010 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council

I have the honour to transmit herewith the assessments of the President and the Prosecutor of the International Criminal Tribunal for Rwanda on the implementation of the completion strategy of the Tribunal, pursuant to Security Council resolution 1534 (2004), as at 28 May 2010 (see enclosure).

I should be grateful if you would transmit the enclosed report to the members of the Security Council.

(*Signed*) Dennis **Byron**
President

10-38145 (E) 110610

Please recycle

Enclosure

[Original: English and French]

Report on the completion strategy of the International Criminal Tribunal for Rwanda

(as at 25 May 2010)

Contents

		Page
	Introduction	4
1.	Activities in Chambers	4
	A. Activities at first instance	4
	a. Judgements (annex 1 (A))	5
	b. Cases in judgement drafting phase (annex 1 (B))	5
	c. Cases where evidence is completed and closing arguments will be heard soon (annex 1 (C))	7
	d. Ongoing trials (annex 1 (D))	7
	e. Cases in pre-trial phase (annex 2)	8
	B. Activities at the Appeals Chamber	9
2.	Measures implementing the completion strategy	10
	A. Judicial calendar and management of proceeding	10
	B. Judges and staff management	11
	a. Judges	11
	b. Staff management	12
	C. Work of the Office of the Prosecutor	13
	a. Workload	13
	b. Cooperation with Kenya	15
	c. Staffing	16
	D. Cooperation between Member States and the Tribunal	17
	E. Outreach, capacity-building and legacy matters	17
	F. Residual issues	18
	Conclusion and updated prognosis regarding the implementation of the completion strategy	20
	Annex 1 (A)	22
	Annex 1 (B)	25

Annex 1 (C) 27
Annex 1 (D) 27
Annex 2 28
Annex 3 28

Introduction

1. In 2003, the International Criminal Tribunal for Rwanda ("Tribunal") formalized a strategy ("Completion Strategy") to achieve the objectives of completing investigations by the end of 2004, all trial activities at first instance by the end of 2008, and all of its work in 2010, in accordance with Security Council resolution 1503 (2003).

2. The present report, in conjunction with previous submissions to the Security Council pursuant to resolution 1534 (2004), provides an overview of the Tribunal's progress to date in implementing the Completion Strategy, which has been continuously updated and developed since 2003.[1]

1. Activities in Chambers

A. Activities at first instance

3. As of 25 May 2010, first instance trials have been completed with respect to 50 accused. During the reporting period from 9 November 2009 to 25 May 2010, the three Trial Chambers of the Tribunal have delivered three judgements in single-accused cases, including one retrial,[2] and closed the evidence in three trials.[3] Three trials are ongoing.[4] Judgements are expected to be delivered in seven trials with respect to 15 accused before the end of 2010,[5] and in six additional trials with respect to 11 accused during the course of 2011, including in the two trials which will commence in the course of 2010.[6] Eleven fugitives remain at large.[7]

4. The majority of projections in the last Completion Strategy report have been met. Delays concern mainly the completion of the evidence phase in two single-accused trials[8] and judgement delivery in these two and another single-accused trial, as well as in three of the multi-accused cases. The reasons are explained in more detail below.[9]

---

[1] See the reports submitted to the United Nations on 14 July 2003 and 29 September 2003, in connection with General Assembly resolution 57/289 (2003) and the Tribunal's request to increase the number of ad litem judges sitting "at any one time". Completion Strategy reports were submitted to the President of the Security Council on 30 April 2004, 19 November 2004, 23 May 2005, 30 November 2005, 29 May 2006, 8 December 2006, 31 May 2007, 20 November 2007, 13 May 2008, 21 November 2008, 14 May 2009 and 9 November 2009.

[2] *Nsengimana*, *Muvunyi* and *Setako*: further explanation is provided in paragraphs 6 to 8.

[3] *Kanyarukiga*, *Ntawukulilyayo*, *Gatete*: further explanation is provided in paragraphs 15, 17 and 18.

[4] *Ngirabatware*, *Nzabonimana*, *Karemera et al* : further explanation is provided in paragraphs 20 to 22.

[5] *Nyiramasuhuko et al.* ("Butare"), *Ndindiliyimana et al.* ("Military II"), *Munyakazi*, *Hategekimana*, *Kanyarukiga*, *Ntawukulilyayo*, and *Gatete*.

[6] *Bizimungu et al*, *Nzabonimana*, *Ngirabatware*, *Karemera et al.*, *Ndahimana*, and *Nizeyimana*.

[7] This covers 87 of the 92 indictments issued by the Tribunal. The other five include two cases referred to a national jurisdiction under Rule 11 bis and one indictee who died before the commencement of his trial; two indictments were withdrawn.

[8] *Ngirabatware and Nzabonimana*; see paragraphs 20 and 22 below.

[9] *Bizimungu et al.*, *Nyiramasuhuko et al.* ("Butare"), *Ndindiliyimana et al.* ("Military II") and *Hategekimana*; see paragraphs 11 to 14.

5. Staffing constraints have continued to pose the main challenge to the work of the Trial Chambers, and have also adversely affected the preparation and conduct of trials in the Office of the Prosecutor. The departure of several judgement coordinators and a large number of associate legal officers from Chambers has negatively impacted on the progress of judgement drafting in the cases concerned. In addition, the parallel assignments of judges to several ongoing trials continue to challenge the trial process, as well as the schedules for the conduct of site visits, the hearing of closing arguments, and deliberations on the judgements.

a. Judgements (annex 1 (A))

6. On 17 November 2009, Trial Chamber I, composed of Judges Møse, presiding, Egorov and Arrey, rendered the oral judgement, acquitting Hormisdas Nsengimana, a priest and former rector of Collège Christ-Roi in Nyanza, of counts of genocide and murder and extermination as crimes against humanity. Forty-three witnesses testified in the course of 42 trial days. The written judgement was issued on 18 January 2010. The Chamber also rendered one decision disposing of three motions.

7. The same Chamber rendered its oral judgement in the case of Ephrem Setako, a lieutenant colonel and Director of the Judicial Affairs Division of the Ministry of Defence, on 25 February 2010. Setako was convicted of genocide, extermination as a crime against humanity as well as war crimes and sentenced to 25 years' imprisonment. Fifty-six witnesses gave evidence during 60 trial days. The written judgement was issued on 1 March 2010 together with one decision.

8. On 11 February 2010, a section of Trial Chamber III, composed of Judges Byron, presiding, Kam and Joensen, rendered its judgement in the retrial of Tharcisse Muvunyi, the former interim commander of the Ecole des sous-officiers Camp in Butare. The retrial was limited to one allegation of the Indictment, namely incitement to commit genocide. The Chamber heard 13 witnesses over nine trial days. Muvunyi was found guilty and sentenced to 15 years' imprisonment with credit for time served. The Chamber also issued five decisions in the reporting period.

b. Cases in judgement drafting phase (annex 1 (B))

9. Six cases are currently in the judgement drafting phase. For all but one of these cases, judgements are expected to be issued before the end of 2010, while in the remaining case, due to staffing constraints, judgement is delayed by some months and will be delivered in the first half of 2011.

10. The evidence in the trial of Yussuf Munyakazi, an alleged Interahamwe leader, was completed on 16 October 2009 before a section of Trial Chamber I, composed of Judges Arrey, presiding, Rajohnson and Akay. The Trial Chamber heard 11 Prosecution witnesses and 20 Defence witnesses over 19 trial days. Closing briefs were submitted by the parties on 16 December 2009. Closing arguments were heard on 28 January 2010. The Trial Chamber issued two written decisions in 2010 and expects to deliver the judgement on 30 June 2010.

11. A section of Trial Chamber II, composed of Judges Khan, presiding, Muthoga and Short, has continued the judgement drafting in the *Bizimungu et al.* case, which involves four former ministers of the Interim Government (Casimir Bizimungu,

Justin Mugenzi, Jérôme Bicamumpaka, and Prosper Mugiraneza), which was installed after the assassination of the Rwandan President Habyarimana. The trial spanned 404 trial days, during which 171 witnesses testified and over 8,000 pages of exhibits were entered into evidence. During the reporting period, two judges from this Chamber have also heard the evidence in the *Ntawukulilyayo* and *Gatete* trials. The third judge has been working part-time since August 2009. The departure of two members of the judgement drafting team in early 2010 will lead to some delay in the delivery of the judgement, which is now expected in the first half of 2011.

12. Another section of Trial Chamber II, composed of Judges Sekule, presiding, Ramaroson and Bossa, continues with deliberations and judgement drafting in the *Nyiramasuhuko et al.* trial ("*Butare*" case), involving six accused: Pauline Nyiramasuhuko, Arsène Shalom Ntahobali, Sylvain Nsabimana, Alphonse Nteziryayo, Joseph Kanyabashi, and Élie Ndayambaje. The trial lasted over 726 days, 59 Prosecution and 130 Defence witnesses were heard. The initial deadline set for the judgement delivery, end of September 2010, has been revised to December 2010. This change is due to the staffing situation with an increase in the rate of departure, including the judgement coordinator, difficulties in recruitment, and the fact that each of the three judges on the bench is also involved in other ongoing cases (*Ngirabatware*, *Hategekimana* and *Nzabonimana*).

13. The *Ndindiliyimana et al.* trial ("*Military II*" case) before another section of Trial Chamber II, composed of Judges De Silva, presiding, Hikmet and Park, commenced in September 2004 and closed on 26 June 2009. Judgement delivery is now expected in December 2010. The delay of three months is caused by staffing constraints in the judgement drafting team. The trial involves four former military leaders, Augustin Ndindiliyimana, Augustin Bizimungu, François Xavier-Nzuwonemeye, and Innocent Sagahutu. During the course of 393 trial days, the Chamber heard a total of 217 witnesses and admitted 965 exhibits. The Presiding Judge in the case has been working part-time since June 2009. In the reporting period, the Chamber issued three written decisions. Two judges of the bench are sitting in the *Kanyarukiga* trial, where one of them is the Presiding Judge. The same judge also sits in the *Hategekimana* trial.

14. A section of Trial Chamber II, composed of Judges Ramaroson, presiding, Hikmet and Masanche, has completed the evidentiary phase in the case of Ildephonse Hategekimana, a commander of the Ngoma Military Camp. The Chamber heard 40 witnesses over 42 trial days. The Parties' closing briefs were filed on 1 February 2010, and, following the translation of the Parties' briefs into French and English, respectively, their closing arguments were heard on 26 April 2010. The judgement is scheduled for delivery in October 2010. The delay of several months is caused by delays in the translation of closing briefs and staffing constraints in the drafting team. In the reporting period, the Chamber issued six interlocutory decisions and orders.

15. The trial of Gaspard Kanyarukiga, a businessman, commenced on 31 August 2009 before a section of Trial Chamber II, composed of Judges Hikmet, presiding, Park and Masanche. After calling 11 witnesses over 14 trial days, the Prosecution closed its case on 17 September 2009. The Defence case began on 18 January 2010. After calling 23 witnesses over 14 trial days, the Defence rested its case on 11 February 2010. The Chamber conducted a site visit in Rwanda between 19 and 21 April 2010. The Parties filed their closing briefs on 11 May 2010, and closing

arguments were heard on 24 May 2010. The Trial Chamber has issued 17 written decisions and orders in the reporting period. Judgement delivery is expected in August 2010, one month later than projected due to staffing constraints following the departure of the judgement coordinator.

c. Cases where evidence is completed and closing arguments will be heard soon (annex 1 (C))

16. In two trials, the evidence phase has been completed, and the Chambers will hear the closing arguments in June and July 2010, respectively.

17. The evidence phase in the trial of Dominique Ntawukulilyayo, former *sous-préfet* of Gisagara *sous-préfecture* in Butare *préfecture*, was completed on 17 December 2009 before a section of Trial Chamber III composed of Judges Khan, presiding, Muthoga and Akay. The trial had commenced on 6 May 2009. The Trial Chamber heard 12 Prosecution witnesses and 23 Defence witnesses over 33 trial days. The Prosecution and Defence filed their closing briefs on 25 February and 25 March 2010, respectively. A site visit was conducted from 25 to 29 April 2010, and oral closing arguments will be heard on 14 June 2010. The Chamber expects to deliver the judgement by September 2010. In the reporting period, the Trial Chamber has issued 13 written decisions or orders.

18. The same bench has completed hearing the evidence in the trial against Jean-Baptiste Gatete, a former *bourgmestre* of Murambi and alleged Interahamwe leader. The trial started on 20 October 2009 and closed on 29 March 2010. The Trial Chamber heard 22 Prosecution witnesses and 27 Defence witnesses over 30 trial days. The Parties are to file their closing briefs on 25 June 2010. A site visit is scheduled from 11 to 16 July 2010, and oral closing arguments will be heard on 2 and, if necessary, 3 August 2010. During the reporting period, the Chamber issued eight decisions and four orders. The expected judgement delivery date is December 2010.

d. Ongoing trials (annex 1 (D))

19. Two single-accused cases and one multi-accused case are currently ongoing before the Trial Chambers.

20. A section of Trial Chamber II, composed of Judges Sekule, presiding, Bossa and Rajohnson, is hearing the evidence in the case against Augustin Ngirabatware, the Minister of Planning in the Rwandan Government during 1994. The trial has spanned two sessions thus far: from its opening on 23 September until 22 October 2009, and from 25 January to 18 March 2010. Initially, it was anticipated that all Prosecution witnesses would be heard during one session in 2009 and the Defence evidence would have been completed by mid-2010. However, additional time was required to present the Prosecution case, due to the length of the witnesses' testimony, as well as the inclusion of supplementary witnesses and the Defence disclosure of further alibi particulars near the end of the Prosecution's case. The Prosecution is scheduled to move the Chamber, by 24 June 2010, if it intends to add witnesses to rebut the Defence alibi. If granted, the Prosecution case-in-chief would be expected to close in mid-September 2010. Regardless, the Defence case is scheduled to commence in mid-November 2010 and is expected to close in February 2011. During the reporting period, the Trial Chamber rendered 24 decisions and orders, and heard 11 witnesses. Judgement delivery is expected for the end of

September 2011. In parallel with this case, Judge Sekule is also presiding over the multi-accused *Nyiramasuhuko et al.* case, Judge Bossa is presiding over the *Nzabonimana* case and sits on the Bench in the *Nyiramasuhuko et al.* case, and Judge Rajohnson sits on the bench of the *Munyakazi* and *Nzabonimana* cases.

21. A section of Trial Chamber III, composed of Judges Byron, presiding, Kam and Joensen, continued hearing evidence in the *Karemera et al.* case, involving Édouard Karemera, former Minister of the Interior, Joseph Nzirorera, former President of the National Assembly, and Matthieu Ngirumpatse, former President of the Mouvement républicain national pour le développement et la démocratie. Joseph Nzirorera continues to present his defence case with 72 days of trial and 46 witnesses heard to date. Matthieu Ngirumpatse is set to begin the presentation of his defence case on 5 July 2010 and is expected to conclude in November 2010. Taking Matthieu Ngirumpatse's health issues into consideration, the Chamber has been sitting 3/4 days and will continue to do so unless circumstances change. During the reporting period, the bench filed 83 decisions. The judgement is expected to be delivered in September 2011.

22. The trial against Callixte Nzabonimana, Minister of Youth in the Interim Government, opened on 9 November 2009 before another section of Trial Chamber III, composed of Judges Bossa, presiding, Tuzmukhamedov and Rajohnson. The Prosecution case continued until 17 December 2009, when it was adjourned until the hearing of the last two Prosecution witnesses from 12 April to 14 April 2010. This allowed two of the Judges to hear the continuation of the Prosecution case in the *Ngirabatware* trial. In all, 19 witnesses testified for the Prosecution. The Defence case opened on 15 April 2010. It was originally scheduled to close on 4 June 2010. However, witness testimony took longer than expected, and fair trial standards required that the Defence be allowed to call supplementary witnesses to support an alibi defence. The progress of the trial was also affected by the Defence's difficulties in procuring alibi evidence due to delays in obtaining requested information from a State. Having taken into account scheduling commitments of the judges in other cases, the Trial Chamber now expects the evidence phase of the case to conclude in March 2011. Judgement delivery is expected in October 2011. The Trial Chamber issued 27 written decisions in the reporting period. Judge Rajohnson travelled to Kigali in December 2009 to take the deposition of a Defence witness who was in poor health. The Presiding Judge is a member of the bench in the multi-accused *Nyiramasuhuko et al.* trial. Additionally, she and Judge Rajohnson sit on the bench of the ongoing *Ngirabatware* trial.

e. Cases in pre-trial phase (annex 2)

23. Grégoire Ndahimana, *bourgmestre* of Kivumu, was arrested on 10 August 2009 in the Democratic Republic of the Congo and transferred to Arusha on 21 September 2009. He made his initial appearance before Judge Khan on 28 September 2009 and pleaded not guilty to all counts in the Indictment. Following the decision of the Pre-Trial Chamber, composed of Judges Byron, Joensen and Akay, to grant the Prosecution leave to amend the Indictment, a further appearance took place on 9 February 2010 where the Accused again pleaded not guilty to all counts. The Prosecution filed its Pre-Trial Brief on 15 March 2010. In the reporting period, the Pre-Trial Chamber issued six decisions. The trial is scheduled to commence in September 2010.

24. Ildephonse Nizeyimana, former second-in-command in charge of intelligence and military operations at the École des sous-officiers, was arrested on 5 October 2009 in Uganda and transferred to Arusha one day later. He made his initial appearance before Judge Khan on 14 October 2009 and pleaded not guilty to all counts in the Indictment. Following the decision of the Pre-Trial Chamber, composed of Judges Byron, Kam and Joensen, to grant in-part the Prosecution leave to amend the Indictment, a further appearance of the Accused took place on 5 March 2010 where the Accused pleaded not guilty to all counts. In the reporting period, the Pre-Trial Chamber issued five decisions and orders. The trial is expected to commence in October 2010.

B. Activities at the Appeals Chamber

25. As of 24 May 2010, appellate proceedings have been concluded in respect of 31 persons. Four more appeal judgements are expected to be delivered by the end of this year, seven appeal judgements are expected to be delivered in 2011, four appeal judgements are to be delivered in 2012, and the remaining four appeals are expected to be disposed of by the end of 2013.

26. Since the last report in November 2009, the Appeals Chamber delivered three appeal judgements, in the *Zigiranyirazo*, *Bikindi*, and *Nchamihigo* cases, as well as an appeal judgement in the *Nshogoza* contempt case. The Appeals Chamber also rendered seven decisions disposing of interlocutory appeals, eight decisions concerning review or other post-appeal requests, and 56 pre-appeal orders and decisions.

27. In its judgement of 16 November 2009, the Appeals Chamber reversed Protais Zigiranyirazo's convictions for genocide and extermination as a crime against humanity and entered a verdict of acquittal. It then ordered his immediate release. The Appeals Chamber reversed the convictions after finding several serious factual and legal errors in the Trial Chamber's assessment of Zigiranyirazo's alibi in respect of both events on which his convictions were based.

28. In the *Bikindi* Appeal Judgement, rendered on 18 March 2010, the Appeals Chamber affirmed Simon Bikindi's conviction for direct and public incitement to commit genocide and the sentence of 15 years' imprisonment imposed for this conviction by the Trial Chamber. On the same day, the Appeals Chamber rendered its judgement in the *Nchamihigo* case, affirming Siméon Nchamihigo's convictions for genocide and extermination, murder, and other inhumane acts as crimes against humanity while reversing his convictions relating to certain events. The Appeals Chamber reduced the sentence to 40 years from the life imprisonment that was imposed by the Trial Chamber.

29. On 16 March 2010, the Appeals Chamber rendered its judgement in the *Nshogoza* case. The Appeals Chamber affirmed Léonidas Nshogoza's conviction for contempt of the Tribunal and sentence of 10 months' imprisonment imposed by the Trial Chamber.

30. The Appeals Chamber is currently preparing the hearing of six appeals from judgement.

31. In the case of *Bagosora et al.*, the written trial judgement was issued on 9 February 2009. Aloys Ntabakuze and Anatole Nsengiumva filed their notices of

appeal in March 2009 while Théoneste Bagosora filed his notice of appeal on 8 January 2010, following an extension of time pending receipt of the French translation of the trial judgement. The briefing is complete with respect to Ntabakuze's appeal and is continuing with respect to his co-appellants' appeals.

32. In the *Rukundo* case, the written trial judgement was issued on 13 March 2009. The prosecution filed its notice of appeal on 14 April 2009, and Emmanuel Rukundo filed his notice of appeal on 6 November 2009, following an extension of time for the translation of the trial judgement. The briefing was completed on 10 May 2010, and the appeals will be heard on 15 June 2010.

33. The Trial Judgement in the *Kalimanzira* case was rendered on 22 June 2009. Both Callixte Kalimanzira and the prosecution filed notices of appeal in July 2009. Following an extension of time for translation, the briefing was completed on 13 April 2010. The appeals will be heard on 14 June 2010.

34. In the *Renzaho* case, in which the written trial judgement was issued on 14 August 2009, Tharcisse Renzaho filed his notice of appeal on 2 October 2009. He filed his appeal brief on 2 March 2010, following an extension of time for the translation of the trial judgement. The briefing was completed on 5 May 2010, and the appeal will be heard on 16 June 2010.

35. The trial judgement in the *Muvunyi* case was rendered on 11 February 2010. On 15 March 2010, both Tharcisse Muvunyi and the Prosecution filed their notices of appeal, and the briefing is in progress.

36. The trial judgement in the *Setako* case was issued in writing on 1 March 2010. Both parties filed notices of appeal and the briefing is in progress.

2. Measures implementing the completion strategy

37. The following section supplements prior reports and highlights essential elements of the Tribunal's efforts to comply with its Completion Strategy.

A. Judicial calendar and management of proceeding

38. Between November 2009 and May 2010, 11 different sections of the Trial Chambers used the four courtrooms of the Tribunal in 12 different cases to hear evidence, closing arguments, initial appearances and pre-trial matters, while intense out-of-courtroom pre-trial, trial and judgement drafting work continued at the same time in all three Chambers.

39. Guidelines on the establishment and publication of the Judicial Calendar assist in ensuring timely coordination between the Office of the President, the Court Management Service, the trial coordinators and, where necessary, the Parties in each case. The Judicial Calendar takes into account the goal of adhering to time standards, referred to in prior reports, which have been established and are being reviewed by the Office of the President.

40. The projected average duration of four weeks for the presentation of the Prosecution and Defence evidence was met during the reporting period in the majority of the ongoing trials. The Prosecution phase was completed in two trials.

Both had difficulties in complying with the time standard of approximately six to eight weeks for the break between the presentation of the Prosecution and the Defence cases, due to fair trial requirements.

41. Several cases also had problems meeting the standard of an average duration of the break between closure of the evidence and the filing of closing briefs of two months, and between the filing of closing briefs and the presentation of oral closing arguments of three weeks. Delays are often due to translation requirements of lengthy written submissions and staffing constraints in the Language Services Section of the Tribunal. In addition, decisions on site visits taken after the close of evidence have led to further delays.

42. The President of the Tribunal issued two Practice Directions on 3 May 2010, which address both issues. One Practice Direction regulates the size and timing for the filing of closing briefs, while the other addresses the timing and conduct of site visits. Both Practice Directions will assist in expediting the conduct of trials while ensuring that fair trial rights, such as the right to translations of important documents for the accused, where necessary, are respected.

43. The standard of delay between closing of evidence and judgement delivery of eight months in single-accused cases was met in two of the three cases in which judgement has been rendered. Projections also foresee compliance in most of the forthcoming judgements. In cases, where the standard will most likely not be met, this is due to staffing constraints in the drafting teams and the parallel involvement of the judges in multi-accused cases, where judgement delivery remains the priority.

44. The statistics for ongoing cases show that progress has been made in complying with the time standards agreed. Judgement drafting plans with benchmarks have been established in all cases. In addition, two databases, on motion practice and courtroom usage, have been set up in the Office of the President. These measures ensure the regular monitoring of compliance and allow for additional steps to be taken, where necessary.

B. Judges and staff management

a. Judges

45. Currently, seven permanent judges and 11 ad litem judges are serving at the Tribunal. Two of the permanent judges are assigned to the Appeals Chamber. Permanent Judges Møse and Egorov left the Tribunal after completion of the *Setako* judgement. Permanent Judge De Silva and ad litem Judge Short continue to work part-time while completing their current assignments and after taking up employment in their home countries.

46. Security Council resolution 1878 (2009) authorized an expansion of the Appeals Chamber by up to four additional judges from both the Rwanda and Former Yugoslavia Tribunals. The Tribunal expects such redeployment of four of its permanent judges to commence in early 2011. In view of the intense appellate work awaiting the Appeals Chamber in 2011, it may be necessary for some of the four judges to commence on their appellate assignments before the judgements in the trials they are working on have been delivered.

47. Currently, only five permanent judges remain resident in Arusha, following the resignations of Judges Reddy, Weinberg de Roca and Møse in 2008 and 2009. This raises issues with regard to the selection of candidates for filling the positions of President, Vice-President and Presiding Judge of a Trial Chamber once the terms of the current incumbents will be completed and judges will have been redeployed to the Appeals Chamber. The Tribunal has therefore submitted a request to the Secretary-General to address these issues either by the appointment of three of the currently serving ad litem judges as permanent judges or by amending the Statute so as to make ad litem judges eligible to serve as President or Presiding Judge of a Trial Chamber. In order to alleviate the additional workload that cannot be covered by the serving judges and for the possibility of judges becoming unavailable, the Tribunal has also requested to create a new roster of ad litem judges.

48. In light of the Security Council's intention to extend, by 30 June 2010, the terms of office of all trial judges based on the Tribunal's projected trial schedule and the terms of office of all appeals judges until 31 December 2012 or until the completion of their cases, if sooner, the Tribunal has submitted a request to the Security Council for an extension of the terms of office of seven permanent and nine ad litem judges beyond 31 December 2010. These extensions are necessary in order to allow the judges to complete their current assignments and handle the remaining judicial work, such as Rule 71 bis and Rule 11 bis requests and possible contempt proceedings.

49. All judges remain highly committed to the goals of the Completion Strategy. All judges are currently assigned to at least two cases, with the exception of the two part-time judges, and some sit on the bench of three cases in various trial stages in parallel. Further assignments of the same judges to the remaining trial work will be necessary and will add to this already intense workload.

50. In the last two reports, the Tribunal has underlined its concern about the inequality in emoluments between permanent and ad litem judges. Eight of the 11 ad item judges currently serving at the Tribunal have been in service for longer than three years, the minimum duration for a permanent judge's entitlement to a pension. Seven of them have served for five years or longer. In the two forthcoming trials, five of the six judges on the bench will be ad litem judges. Their commitment and willingness to accept additional assignments remains indispensable for the Tribunal to achieve the goals of the Completion Strategy. The Tribunal therefore welcomes General Assembly resolution 64/261, adopted on 29 March 2010, which decides that the matter will be addressed with priority at the sixty-fifth session, and calls upon Member States to ensure the equal treatment of all judges handling an identical workload with identical responsibilities.

b. Staff management

51. Staff retention remains one of the major impediments to the timely achievement of Completion Strategy goals. Between 1 June 2009 and 30 May 2010, a total of 154 staff members left the Tribunal for other more stable jobs within the United Nations or other organizations; 24 staff members left from Chambers, 31 from the Office of the Prosecutor, 41 from the Administration, and 58 from other sections of the Registry. The Tribunal has implemented the policy approved by the General Assembly in resolution 63/256 and offers contracts to staff in line with the schedule of trials. This is an important element to ensure that the institutional

memory can be preserved until the completion of a trial, and it supports staff morale by providing increased employment security. However, this possibility is limited to those staff members recruited against regular posts. A high number of staff, in particular in Chambers, the Office of the Prosecutor and the Court Management Section, are, however, recruited against General Temporary Assistance-funded posts, where the temporal availability of funding determines the possible contract duration rather than the trial schedule. The duration of contracts also determines entitlements and benefits. This difference not only creates a feeling of unequal treatment and job insecurity, which adversely affects staff morale; it has also contributed to an increased departure rate of staff members often only a few months before the end of a trial.

52. Replacement of departing staff members is a lengthy process, which even in a best-case scenario would result in delays. During the reporting period, this has negatively affected the judgement drafting process in a number of cases, due to departures of judgement coordinators, which contributed to delays in the judgement delivery dates. While staff members are obliged to give 30 days or less notice before resigning, new recruitments usually take significantly longer. In addition, with the Tribunal approaching the end of its mandate, the rate of declined offers is constantly increasing, which further delays the time until a new recruitment is finalized. For newly arrived staff members, it takes at least three months until they can work to the best of their abilities. In complex coordination positions, this could even take longer. The Tribunal aims at reducing internal delays in the recruitment process and using any flexibility possible under the United Nations Staff Rules to best address the specific situation of a downsizing organization. The current difficulties show the lessons that need to be learned for future organizations of a limited lifespan, such as the ad hoc Tribunals — special provisions are required for staff retention and recruitment during the pre-closure phase. The Tribunal will continue to engage the relevant bodies in the Secretariat to address the existing and emerging challenges on human resource management.

53. The statement made in the last Completion Strategy report holds true that maintaining an adequate level of competent, committed and experienced staff for the core functions of the Tribunal is critical to avoid further delays in the finalization of trials and the delivery of judgements. At the same time, in line with the trial and appeals schedule, the downsizing process in the Tribunal, which commenced in 2009, will continue at the end of 2010 with a further reduction of 65 regular posts or 9.4 per cent over the current authorized staffing level of 693 posts.

C. Work of the Office of the Prosecutor

a. Workload

54. The work of the Office of the Prosecutor is commensurate with the heavy workload in Chambers. In addition to continuing with the ongoing trials of seven accused in the five cases referred to earlier in the report on the activities in Chambers, the Prosecution Division of the Office of the Prosecutor also continues to prepare for trial in the cases of the two recently arrested indictees, Ndahimana and Nizeyimana. It is also responsible for the preparation of depositions for the preservation of evidence under the new Rule 71 bis in respect of the three important fugitive indictees (Félicien Kabuga, Protais Mpiranya and Augustin Bizimana)

earmarked for trial in Arusha. Subject to the availability of staff, the Prosecutor intends to file requests for such depositions in the last quarter of 2010. This preparatory work includes intensive investigation, identification and preparation of witnesses and case materials. The other responsibilities of the Prosecution Division include the preparation of cases for transfer to national jurisdictions under Rule 11 bis; the supervision of the Investigation Section and the Information and Evidence Service Section; and the coordination and timely response to all requests for cooperation from the prosecution authorities of Member States.

55. The Appeals and Legal Advisory Division of the Office of the Prosecutor continues to experience an increase in workload. In addition to responding to appeals and applications in matters already before the Appeals Chamber, the Division provides a regular stream of written legal advice to the Prosecutor on matters of law as they appear in the course of proceedings before the Trial Chambers and the Appeals Chambers. All judgements, for example, are thoroughly analysed and an opinion written on the suitability of an appeal or a cross-appeal by the Prosecutor on any matter in issue, including challenges to the judgement on grounds of fact and/or law and sentencing. Once the opinion is discussed and a decision made by the Prosecutor, the Division then produces a draft memorandum for the further consideration of the Prosecutor and thereafter a final memorandum or response in an appeal. A similar process is followed in interlocutory matters.

56. Within the reporting period, the Appeals and Legal Advisory Division has rendered seven legal advisories; organized a capacity-building seminar for 30 staff members in January 2010 and assisted in advocacy training in conjunction with the Office of the President for 50 staff members from the Office of the Prosecutor and the Defence in March 2010. The advocacy training was conducted by senior legal practitioners and judges from several Member States. An Office of the Prosecutor-wide Legal Forum was also organized to enhance better staff understanding of emerging legal issues in court.

57. Within the same reporting period, the Appeals and Legal Advisory Division has also filed appeals in the *Muvunyi*, *Setako* and *Nsengimana* cases. The Division has responded to appeals filed by the defence in the *Nsengiyumva*, *Bagosora et al.*, *Kalimanzira*, *Renzaho* and *Rukundo* cases. Additionally, 16 interlocutory applications and/or responses were filed before the Trial Chambers and Appeals Chamber.

58. The Investigation Unit of the Office of the Prosecutor continues to support trial and appeal activities while its tracking section concentrates on the fugitive indictees. Given the increased demand for investigative support, retirement and resignations, the current staff level of the unit is already overstretched. There is a need for increased support for tracking of fugitives from Member States.

59. Efforts at tracking the remaining 11 fugitives in the Democratic Republic of the Congo and neighbouring countries have intensified. Pursuant to the Prosecutor's meeting with his counterpart from the Democratic Republic of the Congo, the Government has issued its own arrest warrants, which have been widely circulated to all its prosecutors in the various provinces of the country for arrest of the fugitives. There is also greater cooperation between the officials of the Democratic Republic of the Congo and the tracking team of the Office of the Prosecutor.

60. Consultations are ongoing with Rwanda with a view to resolving a number of issues related to witness protection and other matters raised by the Trial Chambers and the Appeals Chamber in their decisions on prior requests for referrals under Rule 11 bis. The Prosecutor intends to file further applications for referral of fugitives' cases to Rwanda. It is expected that the applications will be made towards the last quarter of 2010.

61. As reported earlier, the number of requests for mutual legal assistance from national prosecuting authorities of Member States continues to grow. In 2009, the Office of the Prosecutor hosted eight delegations of prosecutors, investigators and investigative judges and responded to 43 requests for mutual legal assistance. In the reporting period, the Office of the Prosecutor supported 40 requests for judicial cooperation from 10 Member States, involving extensive research into the evidence database of the Office of the Prosecutor for relevant materials for national prosecuting authorities, investigations work primarily in Rwanda to locate and obtain consents from prosecution witnesses, as well as some motion work to declassify key exhibits and vary witness protection measures. During the reporting period, the Office of the Prosecutor has also secured consents for disclosure from 89 Prosecution witnesses and filed five motions for variation of witness protection measures, with submissions being prepared for 10 additional witnesses on behalf of national prosecuting authorities. It is estimated that the Foreign Requests Unit of the Office of the Prosecutor will eventually submit more than 20 formal motions to the Trial Chambers and Appeals Chambers by the end of 2010.

62. Mutual legal cooperation and assistance is an important responsibility of the Tribunal. Its recognition in the structure of the Residual Mechanism will greatly contribute towards closing the impunity gap further as Member States are encouraged to take advantage of the Office of the Prosecutor information resources for national prosecution of suspects not charged before the Tribunal. In order to respond to the rise in demand for mutual legal assistance, it will become necessary to seek support for additional staff. Furthermore, the development of a dedicated, efficient and experienced response mechanism for such requests would be a valuable asset under the Residual Mechanism.

63. The Prosecutor hosted an International Prosecutors' Colloquium from 11 to 13 November 2009 in Kigali, on the legacy of the ad hoc tribunals and the future of international criminal law. The international prosecutors issued a communiqué that stresses the role of the United Nations in combating impunity and recognizes the role of national and regional systems of justice and of NGOs in this regard. The international prosecutors also called upon Member States to ensure that their legal systems and other regional legal arrangements to which they are a party have the jurisdiction and the capacity to effectively prosecute international crimes or to extradite suspects of such crimes; to provide full cooperation to all the international criminal tribunals; to seriously consider the adoption of a Convention on the Suppression and Punishment of Crimes against Humanity; and to become party to the Rome Statute of the International Criminal Court and cooperate fully with the Court in the execution of its mandate.

b. Cooperation with Kenya

64. The Prosecutor is particularly concerned with the lack of cooperation by Kenya in respect of the fugitive indictee Félicien Kabuga.

65. His presence in Kenya since September 1994, and his various sightings and properties in Kenya were officially confirmed in reports produced by the Kenyan Police in 2006. Félicien Kabuga was well known to the Police, the immigration authorities and the Kenya Revenue Authority.

66. While there is ample evidence that Félicien Kabuga was lawfully resident in Kenya, with the knowledge of Kenyan authorities, there is no evidence that he has ever departed from Kenya, either voluntarily or by deportation. Kenyan authorities reported in 2008 that while Félicien Kabuga may have entered the country, he was no longer there. The Prosecutor has, on a number of occasions, in writing and during his official missions to Kenya, requested Kenyan Ministers and the Attorney General to provide the Tribunal with relevant and credible information of Félicien Kabuga's alleged departure and approximate destination. No reply has been received.

67. Kenya has sequestered one of Félicien Kabuga's properties in Nairobi. Save for this, none of the other requests of the Prosecutor for further investigation or appropriate action against Félicien Kabuga's assets has been complied with.

68. The Prosecutor has made seven official missions to Kenya seeking cooperation in this matter. During his latest mission in March 2009, the Prosecutor agreed with the Minister for Internal Security that the Government would follow up the investigation of Félicien Kabuga's assets, properties and proxies in the country; provide access for perusal of the Kabuga dossier; and provide relevant details on the presence and movement of Félicien Kabuga and full particulars of his departure from Kenya as alleged by the Government of Kenya. This agreement was never implemented despite subsequent reminders and requests by the Prosecutor.

69. The Prosecutor has submitted a report on the repeated violation of Kenya's obligations under Article 28 of the Statute of the Tribunal to the President of the Tribunal. The President of the Tribunal has forwarded this report on 25 May 2010 to the President of the Security Council for consideration and appropriate action.

70. The Prosecutor continues to seek due diligence from Kenya in the discharge of its obligations under the Statute and Rules of the Tribunal.

c. Staffing

71. Lack of adequate staff continues to be of serious concern to the Office of the Prosecutor and is likely to impact adversely on completion targets. The Office of the Prosecutor continues to lose experienced staff through retirement and resignation. A number of prospective staff have declined to sign the contracts due to unfavourable terms, further delaying the recruitment process, leading to disruption especially of trial capacity. These factors are likely to affect the preparations by the Office of the Prosecutor of the case of *Nizeyimana*, one of the two recently arrested indictees, for trial before the end of 2010. Additionally, the applications under Rule 71 bis in respect of the three top fugitive indictees as well as the making of fresh application for transfer of cases to Rwanda and other national jurisdictions under Rule 11 bis will also be delayed, creating a spillover into 2011 of trial activity.

D. Cooperation between Member States and the Tribunal

72. Efficient cooperation between Member States and the Tribunal remains an indispensable element for the success of the Tribunal's Completion Strategy. This relates in particular to ensuring the arrests of the remaining fugitives, possible referral of cases to national jurisdictions, the transfer of convicts for the enforcement of their sentence, and the relocation of acquitted persons and persons who have served their sentence.

73. The report on the work of the Office of the Prosecutor, above, highlights close cooperation with regard to the arrest of fugitives and assistance to national prosecuting authorities.

74. The President of the Tribunal will shortly issue a decision on the transfer of Michel Bagaragaza to a Member State for the enforcement of his sentence. Further, two convicted persons, whose appeal judgements were delivered in March 2010, are also awaiting decisions on their transfer to national jurisdictions for the enforcement of their sentences.

75. Two detainees were acquitted in November 2009. One of them was transferred to Italy in March 2010. The Registrar continues to deploy all efforts to find host countries for the three acquitted persons who remain in Arusha under the Tribunal's protection.

E. Outreach, capacity-building and legacy matters

76. The Tribunal has continued to improve awareness of its work through its outreach programme in showcasing, disseminating, and sensitizing the people of the Great Lakes region and visitors to the Tribunal headquarters in Rwanda and the United Republic of Tanzania about its achievements and challenges at this critical stage of its Completion Strategy. Vigorous efforts are ongoing in reaching out to the population of Rwanda at the grass-roots level. To that effect, the Tribunal, through its External Relations and Strategic Planning Section, has continued to provide the Umusanzu Information and Document Centre in Kigali and its 10 provincial satellite centres in Rwanda with technical support while continuously assessing their progress and impact on the targeted beneficiaries. It is important that special attention will continue to be given to this flagship project, so as to ensure that the centres remain one of the key components of the Tribunal's legacy for future generations while serving as the United Nations reference centre for information on genocide for the benefit of the entire international community.

77. From February to April 2010, the Tribunal started implementing a regional project aimed at raising the awareness of the youth in the region. The project is designed with the view of sensitizing the youth in the region on the role of the Tribunal in promoting international justice. With German funding, the Tribunal has been the driving force behind the Youth Sensitization Project, which involves students from 60 primary and secondary schools in East Africa who participate in essay and drawing competitions. In the context of the project, the Tribunal has organized exhibitions and briefings on the work of the Tribunal in Nairobi, Kampala, Bujumbura, Huye, Dar es Salaam, and Arusha.

78. At the request of the Rwandan Institute of Legal Practice and Development, the Tribunal's Legal Library conducted a workshop on the use of online legal materials on 5 March 2010, in Nyanza, Rwanda. Thirty-five participants, including judges, prosecutors and lawyers, were informed about techniques that facilitate access to legal online materials, including Tribunal jurisprudence. The Online Legal Research Training Programme has recorded sound success, and the demand for future workshops remains very high. Thus, the Library intends to develop and implement a training of trainers on online legal research programme tailored to the needs expressed by the Rwandan judiciary. Member States are strongly encouraged to consider contributing to such efforts.

79. In February 2010, the Library released an updated version of the Tribunal's Basic Documents and Case Law CD/ROM and DVDs, which cover judicial activities up to 2009. These CDs and DVDs, which compile over 6,000 decisions of the Chambers and key documents on the Tribunal, have been distributed internationally to legal practitioners, NGOs, public libraries, universities, embassies, local and foreign visitors as well as researchers. The online version of this database is being continuously updated.

F. Residual issues

80. The Tribunal has continued its work on the recommendations contained in the last paragraph of the report of the Secretary-General on the administrative and budgetary aspects of the options for possible locations for the archives of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the seat of the residual mechanism(s) for the Tribunals of 21 May 2009. The Legacy Committee, constituted of representatives of the three organs of the Tribunal, coordinates this work:

- As mentioned above, efforts continue to enable referrals to national jurisdictions for the trials of 8 of the remaining 11 fugitives. The Office of the Prosecutor focuses its efforts on Rwanda, the only country that has jurisdiction and is currently willing to take up the eight cases earmarked for referral. As concerns the Registry, the capacity-building programmes in Rwanda continue. Training is scheduled in the coming weeks for the new staff of the Witness Protection Programme.

- The Tribunal has been considering possible ways to review witness protection orders with a view to withdrawing or varying those that are no longer necessary. The Tribunal suggests, instead of a cumbersome review of all cases, a limited review focused on those witness protection orders which present a likelihood of possible variation or lifting and subsequent declassification. The Tribunal is in close communication with the Office of Legal Affairs on this issue and will provide any additional information or clarification that is requested by the Security Council's Informal Working Group on the Tribunals.

- The review of all agreements of the Tribunal with Member States and other international bodies and contracts with private entities with the view to determining their fate after the closure of the Tribunal is still ongoing. The Office of the Prosecutor is finalizing the compilation of agreements and memorandums of understanding pertaining to confidential materials, witness protection or other areas of cooperation. As for the Registry, a compilation of

the agreements and memorandums of understanding is also being undertaken. An initial review concerns six agreements on enforcement of sentences[10] which will need to be transferred to the Residual Mechanism and maintained, for as long as there are convicted persons serving their sentences, and potential convicts in the future. The Administration has also undertaken a business analysis review, which reveals that all agreements currently entered into with private or parastatal entities (rent agreement, the Beechcraft operating between Kigali and Arusha twice a week, procurement of goods and stationery, agreements with security companies, etc.) have been tailored to suit our current needs and present sufficient flexibility to enable termination when the need no longer arises, or prolongation if necessary.

– As indicated above, 10 provincial information centres have been opened throughout Rwanda in 2009, which facilitate public access to documents of the Tribunal.[11] They already have copies of some of the Tribunal's public records. A review of the capacity of the main information centre in Kigali (Umusanzu Centre) to accommodate the hard copies of all public records has been carried out. The report resulting therefrom indicates that with the recent enlargement of the Umusanzu Centre, the 420 m^2 additional space required to store the public hard copy documents is available. However, a technical report suggests that the transfer of hard copies may not be advisable, due to the fact that the transfer of electronic copies of the public records is less resource intensive, the continued maintenance of the electronic records will be less costly, and electronic records will be more easily accessible for users of the information centres. Additional particulars and cost estimates on this matter will be gathered in the following months.

81. The objectives and processes related to the archiving activities of the Tribunal and described in the November 2009 report remain valid, and all technical activities remain on schedule. A summary of progress made as of 25 May 2010 is as follows:

– *Arrangement and verification of the original judicial records*: To date, the arrangement of the original paper-based material of 48 cases (2,000 files) has been completed. This is approximately 40 per cent of all original materials. The verification of the hard copy transcripts against the electronic versions continues apace, with 36 cases (5,580 transcripts) verified as of the end of May 2010. This is approximately 33 per cent of all original transcripts. As a result of a reduction in the resources required to support the ongoing judicial process, in early April 2010, additional staffing resources were allocated to the arrangement and verification of the judicial archives of the Tribunal. It is anticipated that, with these additional resources, the arrangement and verification of the judicial records will be completed on schedule.

– *Digitization and redaction of the audio-visual material*: The digitization of the master audio recordings of the court proceedings was completed in March 2010, with over 11,000 original cassette tapes (approximately 9,500 hours) digitized in accordance with archival best-practice principles. The redaction of the audio recordings is under way, with eight cases completed and five ongoing. In total, over 300 hours of redacted audio material has been

[10] Concluded with Benin, France, Italy, Mali, Rwanda, Swaziland and Sweden.

[11] Paragraph 76.

generated as of the end of May 2010. The inventory and metadata integration has been completed for all master video material for both the physical carriers and the digital files. The initial phase of testing for the video digitization equipment was completed in April 2010, and the project is on schedule, with the full-scale digitization expected to commence in June 2010.

– *Processing and scanning of administrative records*: The sorting, processing, scanning and data entry of the administrative records has progressed according to schedule. As of the end of May 2010, over 400 boxes of records have been processed, the documents contained in over 450 files have been scanned, and 13,200 records have been entered in TRIM.

– *Processing and scanning of records of the Office of the Prosecutor*: The Office of the Prosecutor archives project has progressed according to schedule. As of the end of May 2010, 800,000 pages have been sorted, 483,000 pages have been scanned, and nearly 8,000 records have been entered into the electronic record-keeping system.

– *Development of a retention, access and security policy for the records of the Tribunal*: The Tribunal remains committed to collaborating with the Office of Legal Affairs on the development of a policy for the retention, access, and security classification for the records of the Tribunal. Of particular concern are the "hybrid" records, generated by sections such as Chambers, Witness and Victim Support Section, United Nations Detention Centre etc., which are not judicial in nature but are tied to the records of judicial proceedings, and cannot therefore be categorized as purely administrative. To address the concerns related to these types of records, a Tribunal-wide Archives and Records Management Working Group has been established. The Working Group consists of participants from across all organs of the Tribunal. The mandate of the Working Group is to develop an overall picture of the records of the Tribunal, to establish and implement a coordinated approach to the management of those records, and to facilitate the compilation of information necessary for the development of retention, classification and access policies for the Tribunal's records. The specific activities of the Working Group are to analyse the quantity, scope and type of records created and maintained throughout the Tribunal, to review the record-keeping practices in place, to develop a Tribunal-wide records management procedure, and to compile information related to the archives and records management policies in place across the Tribunal, including current retention and classification procedures. The timeline for the execution of this programme is currently under discussion.

Conclusion and updated prognosis regarding the implementation of the completion strategy

82. The Tribunal intends to complete its trial work before the end of 2011, with appeals to be completed by the end of 2013, if no new arrests of indictees to be tried in Arusha occur.

83. The forecasts of the last Completion Strategy report for the reporting period have been largely met. Three trial judgements in single-accused cases have been

delivered. The evidence in all but three of the ongoing trials has been completed, and the focus is on the completion of judgement drafting in these cases.

84. The projections for the rest of 2010 are maintained, with the exception of delays in the completion of the evidence phase of two single-accused cases, related mainly to fair trial requirements and parallel assignments of the judges. In addition, judgement delivery will be delayed for some months in one single-accused and in the multi-accused trials. These delays are mainly related to departures of key members of the judgement drafting teams, and delays in the recruitment of new staff members. The evidence phase in two of the ongoing cases and in the two new trials will spill into the first quarter of 2011.

85. The Tribunal aims to have all judgements completed by October 2011, including in the two new trials, which are expected to commence in the second half of 2010. Intense pre-trial work in both cases aims at ensuring that these ambitious goals can be met without compromising fair trial requirements. In addition to judgement drafting, other judicial activities, such as evidence preservation hearings, requests for referral of cases to national jurisdictions, and contempt proceedings will continue until mid-2011.

86. Preparations for the transition to the Residual Mechanism require the investment of an increasing level of resources. All organs of the Tribunal work intensely on the implementation of the recommendations set out for the transitional period in the report of the Secretary-General of May 2009, while their regular tasks, the preparation, conduct and completion of trials, continue to require an extremely high level of commitment.

87. Ensuring and maintaining an adequate level of experienced staff remains the key challenge in an organization approaching the end of its life span. The Tribunal, in particular in the Office of the Prosecutor and Chambers, experiences high departure rates and great difficulties in attracting highly qualified candidates for short-term contracts with reduced entitlements and limited employment security compared to fixed-term contracts. Allowing for a maximum degree of flexibility in the use of the United Nations Staff Rules is essential to address this specific situation.

88. The commitment to completing the Tribunal's mandate requires that all efforts continue to ensure the arrest of the remaining fugitives. The close cooperation between the Tribunal and national jurisdictions, in particular by the Office of the Prosecutor, will ensure that these national jurisdictions, together with the Residual Mechanism, will be in a position to efficiently carry on the task of fighting impunity for the horrendous crimes committed in Rwanda in 1994.

Annex 1 (A)
Trial judgements delivered as at 25 May 2010: 50 accused in 42 judgements

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial chamber*	*Trial judgement*
1	J.-P. Akayesu	*Bourgmestre* of Taba	30 May 1996	TC1	2 September 1998
2	J. Kambanda	Prime Minister	1 May 1998	TC1	4 September 1998 (guilty plea)
3	O. Serushago	Businessman, Interahamwe leader	14 December 1998	TC1	5 February 1999 (guilty plea)
4	C. Kayishema	Prefect of Kibuye	31 May 1996	TC2	21 May 1999 (joinder)
	O. Ruzindana	Businessman	29 October 1996		
5	G. Rutaganda	Businessman, 2nd Vice-president of Interahamwe	30 May 1996	TC1	6 December 1999
6	A. Musema	Businessman	18 November 1997	TC1	27 January 2000
7	G. Ruggiu	Radio-Télévision Libre des Milles Collines journalist	24 October 1997	TC1	1 June 2000 (guilty plea)
8	I. Bagilishema	*Bourgmestre* of Mabanza	1 April 1999	TC1	7 June 2001
9	G. Ntakirutimana	Doctor	2 December 1996	TC1	21 February 2003 (joinder)
	E. Ntakirutimana	Pastor	31 March 2000		
10	L. Semanza	*Bourgmestre* of Bicumbi	16 February 1998	TC3	15 May 2003
11	E. Niyitegeka	Minister of Information	15 April 1999	TC1	15 May 2003
12	J. Kajelijeli	*Bourgmestre* of Mukingo	19 April 1999	TC2	1 December 2003
13	F. Nahimana	Director, Radio-Télévision Libre des Milles Collines	19 February 1997	TC1	"*Media* Case" (joinder) 3 December 2003
	H. Ngeze	Kangura Editor	19 November 1997		
	J.-B. Barayagwiza	Director, Ministry of Foreign Affairs	23 February 1998		

Case No	*Name*	*Former title*	*Initial appearance*	*Trial chamber*	*Trial judgement*
14	J. Kamuhanda	Minister of Culture and Education	24 March 2000	TC2	22 January 2004
15	A. Ntagerura	Minister of Transport	20 February 1997		
	E. Bagambiki	Prefect of Cyangugu	19 April 1999	TC3	"*Cyangugu* Case" (joinder) 25 February 2004
	S. Imanishimwe	Lieutenant, Forces armées rwandaises	27 November 1997		
16	S. Gacumbitsi	*Bourgmestre* of Rusumo	20 June 2001	TC3	17 June 2004
17	E. Ndindabahizi	Minister of Finance	19 October 2001	TC1	15 July 2004
18	V. Rutaganira	Councillor of Mubuga	26 March 2002	TC3	14 March 2005 (guilty plea)
19	M. Muhimana	Councillor of Gishyita	24 November 1999	TC3	28 April 2005
20	A. Simba	Lieutenant-Colonel, Forces armées rwandaises	18 March 2002	TC1	13 December 2005
21	P. Bisengimana	*Bourgmestre* of Gikoro	18 March 2002	TC2	13 April 2006 (guilty plea)
22	J. Serugendo	Technical Director, Radio-Télévision Libre des Milles Collines	30 September 2005	TC1	12 June 2006 (guilty plea)
23	J. Mpambara	*Bourgmestre* of Rukara	8 August 2001	TC1	12 September 2006
24	T. Muvunyi	Commander, École des sous-officiers	8 November 2000	TC2	12 September 2006
25	A. Rwamakuba	Minister of Education	7 April 1999	TC3	20 September 2006
26	A. Seromba	Priest, Kivumu Commune	8 February 2002	TC3	13 December 2006
27	J. Nzabirinda	Youth organizer	27 March 2002	TC2	23 February 2007 (guilty plea)
28	J. Rugambarara	*Bourgmestre* of Bicumbi	15 August 2003	TC2	16 November 2007 (guilty plea)

Case No	*Name*	*Former title*	*Initial appearance*	*Trial chamber*	*Trial judgement*
29	GAA	Witness before Tribunal proceedings	10 August 2007	TC3	4 December 2007 (contempt of Tribunal)
30	F. Karera	Prefect of Kigali	26 October 2001	TC1	7 December 2007
31	S. Nchamihigo	Deputy Prosecutor of Cyangugu	29 June 2001	TC3	24 September 2008
32	S. Bikindi	Musician	4 April 2002	TC3	2 December 2008
33	P. Zigiranyirazo	Businessman	10 October 2001	TC3	18 December 2008
34	T. Bagosora	Director of Cabinet, Ministry of Defence	20 February 1997	TC1	"*Military I* Case" (joinder) 18 December 2008
	G. Kabiligi	Brigadier General, Forces armées rwandaises	17 February 1998		
	A. Ntabakuze	Battalion Commander, Forces armées rwandaises	24 October 1997		
	A. Nsengiyumva	Lieutenant Colonel, Forces armées rwandaises	19 February 1997		
35	E. Rukundo	Chaplain	26 September 2001	TC2	27 February 2009
36	C. Kalimanzira	*Directeur de Cabinet* of the Ministry of the Interior	14 November 2005	TC3	22 June 2009
37	L. Nshogoza	Former defence investigator (contempt of court case)	11 February 2008	TC3	2 July 2009
38	T. Renzaho	Prefect of Kigali-Ville	21 November 2002	TC1	14 July 2009
39	M. Bagaragaza	Director General of Government Office Controlling the Tea Industry	16 August 2005	TC3	5 November 2009 (guilty plea)
40	H. Nsengimana	Rector, Collège Christ-Roi	16 April 2002	TC1	17 November 2009

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial chamber*	*Trial judgement*
41	T. Muvunyi	Interim Commander, École des sous-officiers Camp (retrial)	8 November 2000	TC3	11 February 2010
42	E. Setako	Lieutenant Colonel	22 November 2004	TC1	25 February 2010

Annex 1 (B)
Cases where trial judgement delivery is awaited: 17 accused in six cases

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial chamber*	*Comments*
43	C. Bizimungu	Minister of Health	3 September 1999	TC2	"*Bizimungu et al.* case" (joinder). Started on 5 November 2003. Evidence completed in June 2008. Closing arguments in December 2008. Judgement expected first half 2011.
	J. Mugenzi	Minister of Commerce	17 August 1999		
	J. Bicamumpaka	Minister of Foreign Affairs	17 August 1999		
	P. Mugiraneza	Minister of Civil Service	17 August 1999		
44	P. Nyiramasuhuko	Minister of Family and Women's Affairs	3 September 1997	TC2	"*Butare* case" (joinder). Started on 12 June 2001. Evidence completed in February 2009. Closing arguments in April 2009. Judgement expected in December 2010.
	A. S. Ntahobali	Interahamwe leader	17 October 1997		
	S. Nsabimana	Prefect of Butare	24 October 1997		
	A. Nteziryayo	Prefect of Butare	17 August 1998		
	J. Kanyabashi	*Bourgmestre* of Ngoma	29 November 1996		
	E. Ndayambaje	*Bourgmestre* of Muganza	29 November 1996		

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial chamber*	*Comments*
45	A. Ndindiliyimana	Chief of Staff of Gendarmerie	27 April 2000		
	F.-X. Nzuwonemeye	Battalion Commander, Forces armées rwandaises	25 May 2000		"*Military II* case" (joinder). Started on 20 September 2004. Completion in February 2009. Closing arguments in June 2009. Judgement expected in December 2010.
	I. Sagahutu	Second-in-Command of Reconnaissance Battalion	28 November 2000	TC2	
	A. Bizimungu	Chief of Staff, Forces armées rwandaises	21 August 2002		
46	Y. Munyakazi	Interahamwe leader	12 May 2004	TC1	Started 20 April 2009. Completion in September 2009. Closing arguments in January 2010. Judgement expected end June 2010.
47	I. Hategekimana	Lieutenant, Commander of Ngoma Camp, Butare	28 February 2003	TC2	Started 16 March 2009. Completion in October 2009. Closing arguments in April 2010. Judgement expected October 2010.
48	G. Kanyarukiga	Businessman	22 July 2004	TC2	Started on 1 June 2009. Completion in February 2010. Closing arguments in May 2010. Judgement expected in August 2010.

Annex 1 (C)
Cases where trial is closed but closing arguments are yet to be heard: two accused in two cases

Case No	*Name*	*Former title*	*Initial appearance*	*Trial chamber*	*Comments*
49	D. Ntawukulilyayo	*Sous-préfet* of Butare *préfecture*	10 June 2008	TC3	Started on 4 May 2009. Completion in December 2009. Closing arguments in June 2010. Judgement expected in September 2010.
50	J.-B. Gatete	*Bourgmestre* of Murambi	20 September 2002	TC3	Started on 20 October 2009. Completion in March 2010. Closing arguments in August 2010. Judgement expected in December 2010.

Annex 1 (D)
Ongoing trials: five accused in three cases

Case No	*Name*	*Former title*	*Initial appearance*	*Trial chamber*	*Comments*
51	E. Karemera	Minister of the Interior, Vice-President of the Mouvement républicain national pour le développement et la démocratie (MRND)	7 April 1999	TC3	"*Karemera et al.* case" (joinder). Started on 27 November 2003. Started de novo on 19 September 2005. Completion expected before end 2010. Judgement expected third quarter 2011.
	M. Ngirumpatse	Director-General of Ministry of Foreign Affairs, President of MRND	7 April 1999		
	J. Nzirorera	President of National Assembly, Secretary-General of MRND	7 April 1999		

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial chamber*	*Comments*
52	A. Ngirabatware	Minister in the Interim Government	10 October 2008; further initial appearance on 9 February 2009.	TC2	Started on 31 August 2009. Completion expected in February 2011. Judgement expected in September 2011.
53	C. Nzabonimana	Minister of Youth in the Interim Government	20 February 2008	TC3	Started on 9 November 2009. Completion expected in March 2011. Judgement expected in October 2011.

Annex 2
Awaiting trial: two accused whose cases will commence in 2010

Name	*Former title*	*Initial appearance*	*Trial chamber*	*Expected commencement of trial*
G. Ndahimana	*Bourgmestre* of Kivumu	28 September 2009	Tbd	September 2010
I. Nizeyimana	Second-in-Command, École des sous-officiers	14 October 2009	Tbd	October 2010

Annex 3
Eleven fugitives

Augustin Bizimana

Félicien Kabuga

Fulgence Kayishema

Protais Mpiranya

Bernard Munyagishari

Aloys Ndimbati

Ladislas Ntaganzwa

Charles Ryandikayo

Charles Sikubwabo

Jean-Bosco Uwinkindi

Phénéas Munyarugarama